

REMARKS

In response to the Office Action dated April 4, 2008, Applicant has cancelled claim 9, and added new claim 22 to more clearly claim the present invention. Claims 10, 14-16 and 21 have been amended to show that they are now dependent on new claim 22. Thus, claims 10-22 are currently pending in this application.

Applicant appreciates the approval of the new drawings submitted with its response to the previous office action. Applicant also notes that the previous rejections based on the Stoehr patent have now been withdrawn.

The Office Action has rejected claims 9, 14-16, 19 and 21 under 35 U.S.C. section 102(b) as being anticipated by Boardman (U.S. Patent No. 3,796,081). The Office Action includes one of the figures from the Boardman patent and an interpretive description of the operation thereof and its relation to the present invention. Applicant disagrees with the interpretation given by the Office Action, but notes that as now more clearly claimed the invention is neither anticipated nor made obvious (with the other references) no matter how Boardman is interpreted.

The figure shown in the Office Action corresponds to Fig. 1 of the Boardman reference; the office action explains what it considers a "work module" of the Boardman disclosure. In this respect, apparently a set of rolls 16 of one of the heads 12 is considered a "work module", as becomes evident when glancing at the drawing with the added title references shown in the Office Action. According to the drawing, the first and fourth "work modules" are the sets of rolls 16 attached at both sides of a first head 12 shown in the foreground, while the second and third work modules are the corresponding sets of rolls of the second head 12 shown in the background. However, given this interpretation, then the "work modules" (or sets of rolls labeled as such) are not pivotable about the first and second axes in a manner such that only one of the first and second work modules is arranged in the line at one time while the other of the first and second work modules is arranged off the line, as required by the claim as presently amended.

Rather, in this interpretation, it is well possible that both the first and second work modules are arranged in the line at one time, contrary to what is suggested in the claim. For

example, the first head 12 shown in the foreground may have the first set of rolls (the first "work module") arranged in a manner such that they face towards the second head 12 shown in the background, and at the same time the second head 12 may have the second set of rolls (the second "work module") arranged in a manner facing towards the first head 12 shown in the foreground, so that both the first and second "work modules" are arranged in the line at one time, contrary to what is specified in the claim.

Applicant suggests that the Boardman teachings can be interpreted differently, such that the set of rolls of one and the same head 12 were regarded as the first and second "work modules" and as such only one of the first and second "work modules" can be arranged in the line at one time. However, even then the claimed apparatus is clearly distinct, because in this case the first and second work modules are not adapted to be independently pivoted with respect to each other about first and second axes, respectively. Also, and more importantly, in this case the drive of the first "work module" is not separate from the drive of the second "work module", as shown in the claims as presently configured.

Further, it is common to both interpretations of Boardman, as that patent is read by Applicant, that it is impossible for the the first and second work modules to be pivoted about the first and second axes from the off the line position to the in the line position without the need of electrical and mechanical disconnection and reconnection of the one or more drive or drives from the respective work module. As Applicant reads the Boardman reference, the respective drive must in each case at least be mechanically disconnected from the "work module" in order to allow for the respective head 12 to be pivoted so that the respective off the line "work module" is then arranged in the line. Accordingly, the subject matter of the apparatus of the newly suggested independent claim is clearly novel over the disclosure of Boardman, and since the distinctive features of the claimed apparatus are not suggested and may even be in contrast to the teaching of Boardman, the claimed apparatus is not rendered obvious by Boardman either. The secondary references cited in the Official Action do not change this situation.

Also, the claimed apparatus is advantageous over that disclosed by Boardman. Using the claimed apparatus, the settings of the respective work module which is online can be adjusted more precisely by having a "dummy load" travel through the respective off-line work module.

In addition, there is no conflict between any safeguards for production and for changeover work, since the changeover operator CO (see Fig. 1 of the drawings of the present application) may work in an area which is clearly delimited against the area where the production operator PO works. There is no interference at all of any kind on the operator side of the mill before, during or after each automatic changeover cycle. A further advantage of the claimed apparatus is, that off-line preventative maintenance can be done at the drive motors and/or gear boxes of the off-the line module without losing any mill up-time. This is clearly impossible in the apparatus of Boardman. Still further, in the unlikely event of a breakdown of the drive or drives of the in the line work module, a quick changeover can be performed and production can be continued. In the apparatus of Boardman, this scenario would result in a complete breakdown of the entire apparatus.

The Office Action has rejected claims 10-13 under 35 U.S.C. Section 103(a) as being unpatentable over Boardman in view of Sherwood (U.S. Patent No 3,583,195) and has rejected claims 17, 18 and 20 under 35 U.S.C. Section 103(a) as being unpatentable over Boardman in view of Abbey, III (U.S. Patent No. 5,887,472) As noted above, Boardman does not anticipate the application as presently amended; it is therefore suggested that the addition of the disclosure of Sherwood and /or Abbey, III does not add teachings that overcome the deficiencies of Boardman with respect to those elements described above.

As can be clearly seen, the apparatus according to the newly suggested independent claim is clearly novel and is not anticipated nor rendered obvious by the cited references. In addition, the claimed apparatus offers clear advantages over the cited references, thus making it superior. Accordingly, Applicant earnestly believes that invention as now claimed is clearly patentable.

Applicant encloses a Request for Continued Examination (RCE). The Commissioner is hereby authorized to charge the fees for the RCE to deposit account No. 230920. It is believed that no other fees or petitions are necessary in this reply and as a result of the amendments. However, should any fee be needed, please charge the following Deposit Account for any such fee, Deposit Account No. 23-0920, and deem this paper to be the required petition.

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Applicant hereby respectfully requests the withdrawal of the rejections of the Office Action and continued prosecution, reconsideration and reexamination. A sincere effort has been made to overcome the Office Action's rejections and to place the application in allowable condition. Applicant invites the Examiner to call applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

Respectfully submitted,



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